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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,466	01/03/2002	John D. Dobak III	051002	5793

7590 05/26/2005  
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EXAMINER

ROLLINS, ROSILAND STACIE

ART UNIT PAPER NUMBER

3739

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APR 08 2005

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Westfield, NJ 07090

In re Application of	:	DECISION ON PETITION
John D. Dobak III et al	:	TO WITHDRAW
Serial No. : 10/039,466	:	HOLDING OF
Filed : January 3, 2002	:	ABANDONMENT
For : Method and Device for Performing Cooling-or-	:	
Cryotherapies for, e.g., Angioplasty with Reduced	:	
Restenosis or Pulmonary Vein Cell Necrosis to Inhibit	:	
Atrial Fibrillation	:	

This is a decision on petitioner's request filed July 30, 2004, to review the holding of abandonment mailed July 1, 2004 for failure to respond to the Office action mailed November 21, 2003. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a response that included an amendment, a one-month extension of time request, an Information Disclosure Statement (IDS), and a Certificate of Transmission under 37 CFR 1.8, all bearing a certificate of facsimile transmission dated March 22, 2004 (it noted that the 21<sup>st</sup> was a Sunday). Petitioner has also included a copy of the Auto-Reply Facsimile Transmission from the Patent Office confirming the successful and timely transmission of the papers in question on March 22, 2004.

In view of the above, the Notice of Abandonment mailed July 1, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed March 22, 2004.

Summary: Holding of Abandonment Withdrawn.

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ak/04/06/05